

Department of Police Accountability 1st Quarter Report

January to March 2021



Presented to:

The Honorable London N. Breed, Mayor

The Honorable Norman Yee, President, San Francisco Board of Supervisors

Members, the San Francisco Board of Supervisors

President Malia Cohen and Members, the San Francisco Police Commission

San Francisco Police Chief William Scott

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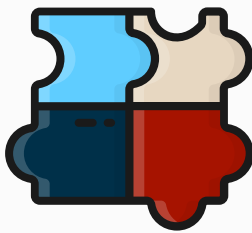
Budget

20

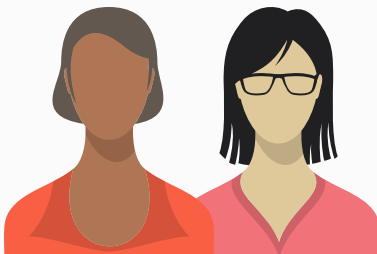
Internship
Program



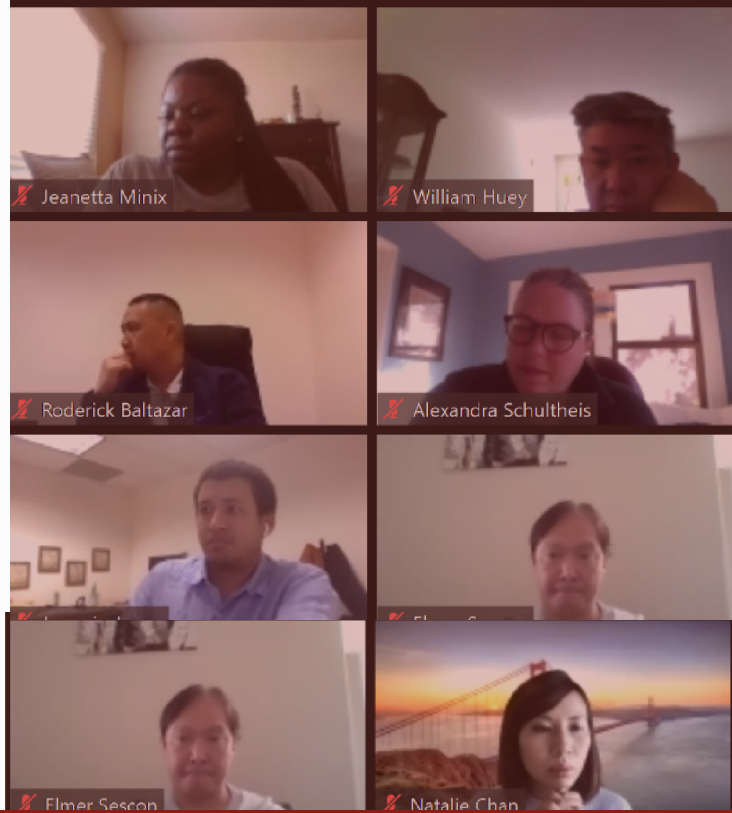
Body-worn camera
footage was used to
determine the outcome in
21 cases



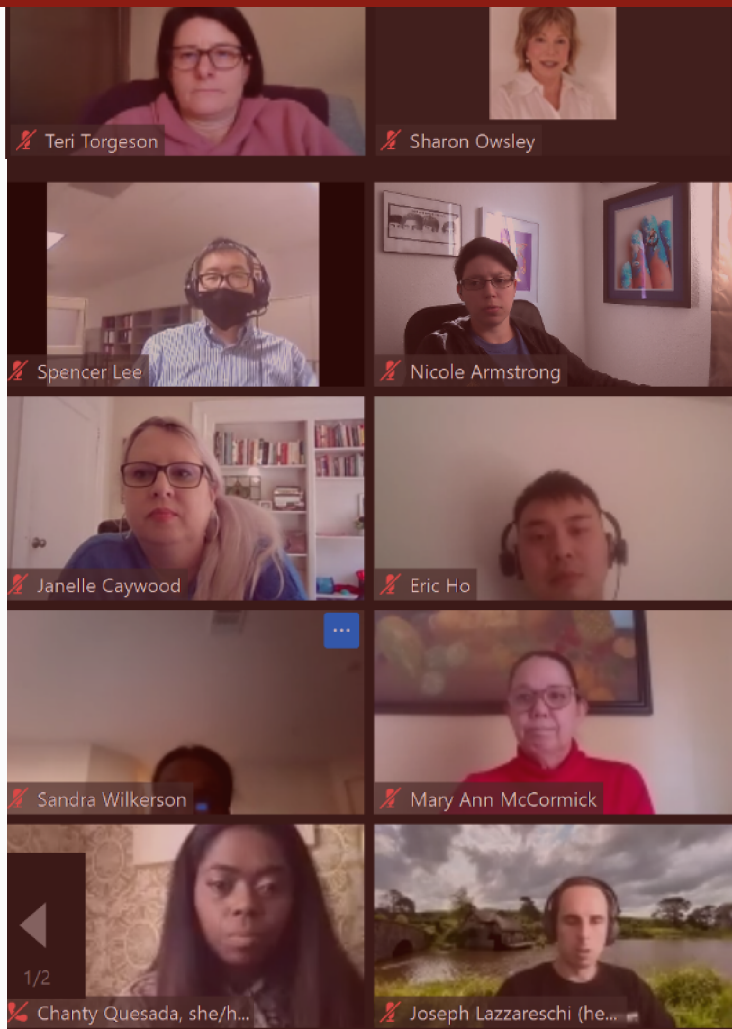
Mediated 6 cases



Celebrated Black
History Month and
Women's History
Month



KEY TAKEAWAYS

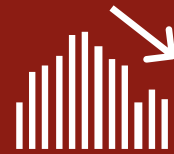


INVESTIGATIONS

The Department of Police Accountability (DPA) saw a slight dip in cases received during the first quarter of 2021. During this period, the DPA investigators received a total of 222 cases, a 5% decrease from 233 in the same period of 2020. Case closures increased by nearly 5% to 286 in the same period, up from 273 in the first quarter of 2020.

The DPA brought a total of 366* allegations against officers in the first quarter of this year, with the majority of those allegations being for Neglect of Duty. Of the allegations brought against sworn members of the San Francisco Police Department (SFPD), 252 allegations, or nearly 69%, were found to be Proper Conduct.

Body-worn camera footage continued to be a valuable investigative tool. From January through the end of March, the DPA investigated 21 cases where the events captured on officers' cameras proved to be outcome determinative.



Cases Received
In Q2 Decreased
By 5% Year-On-
Year To 222



Case Closures In Q2
Decreased By 5%
Year-On-Year To 286



69% Of The Allegations
Brought Against Officers
Were Found To Be Proper
Conduct

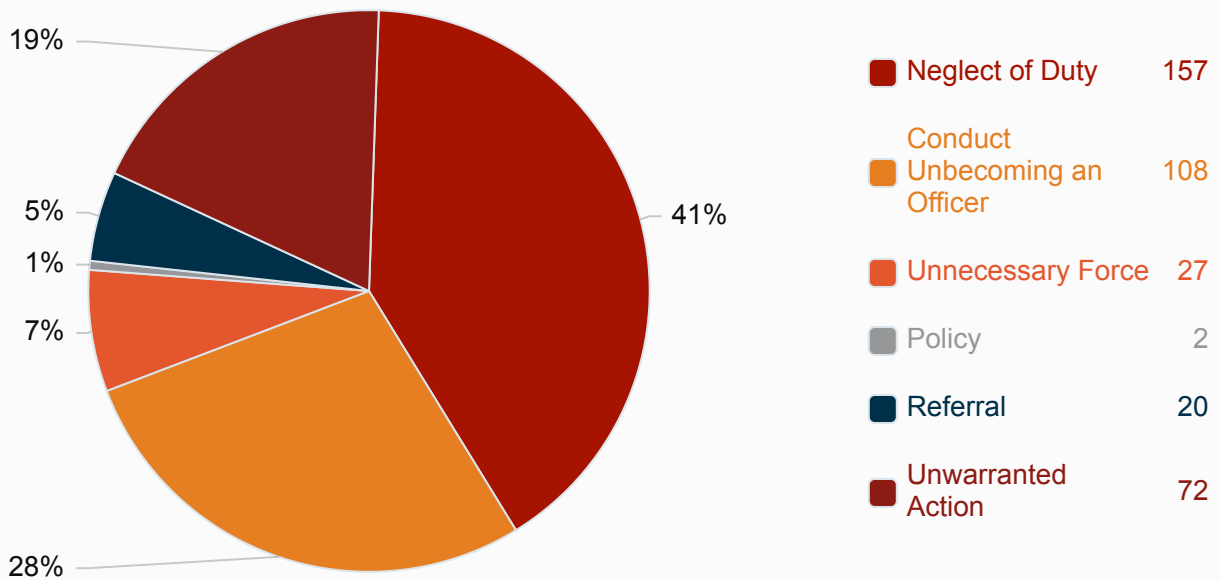


Body-Worn Camera
Footage Was Outcome
Determinative In 21 Cases

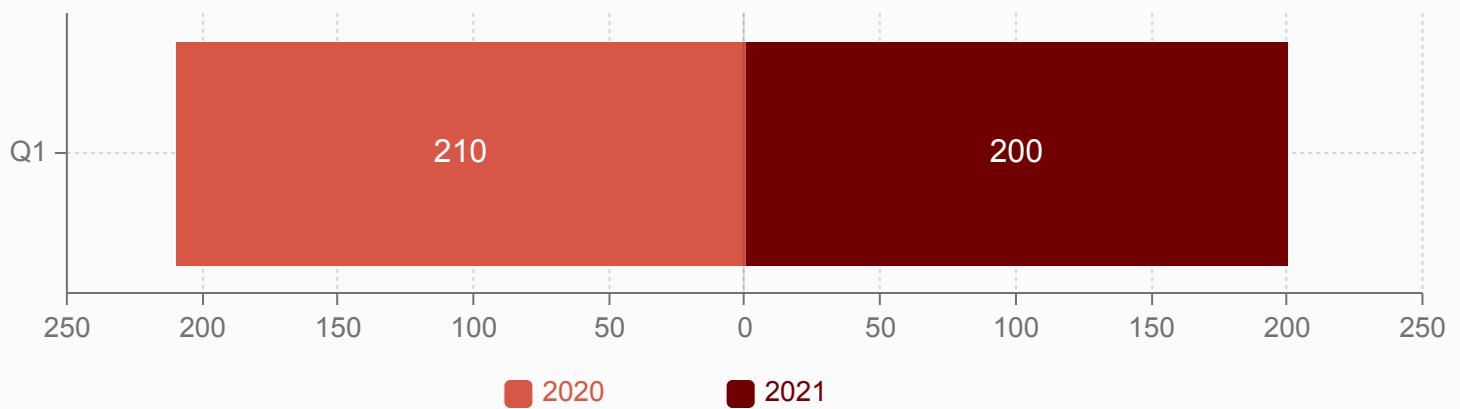
FINDINGS

Allegations Received by Type

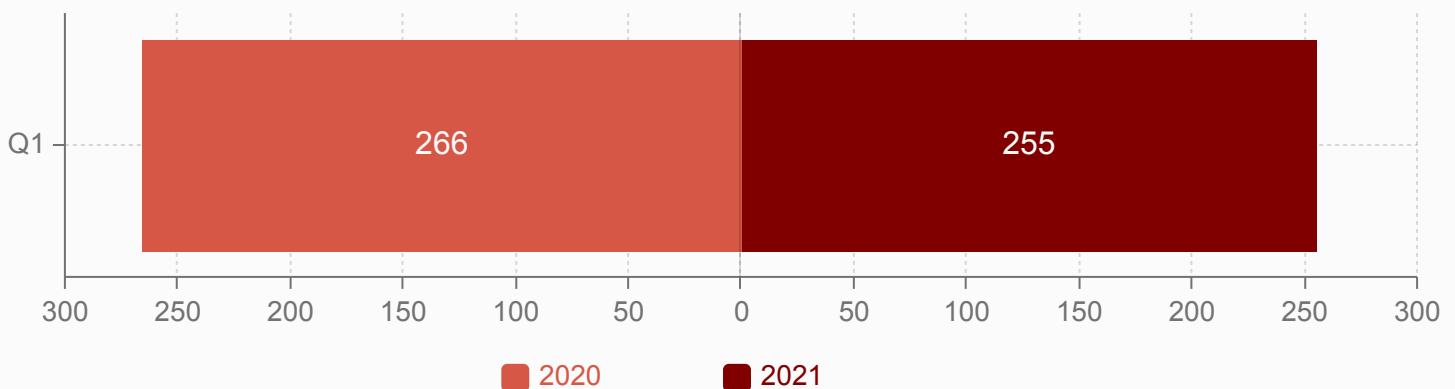
N = 386



Cases Opened by Quarter

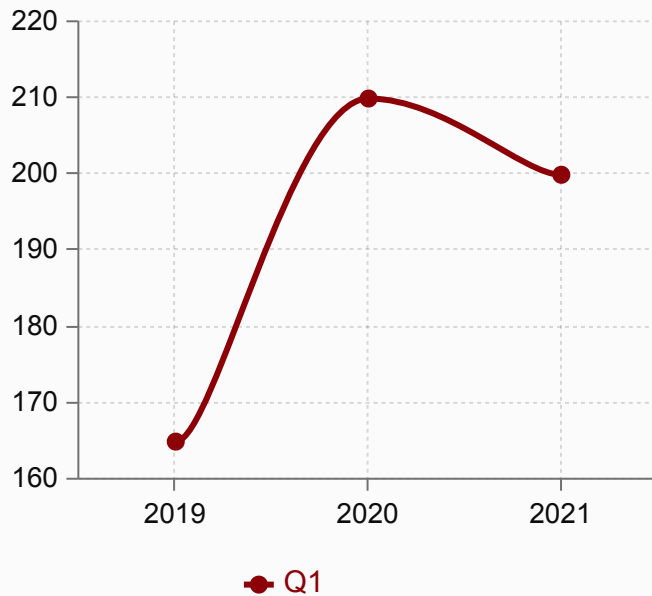


Cases Closed by Quarter

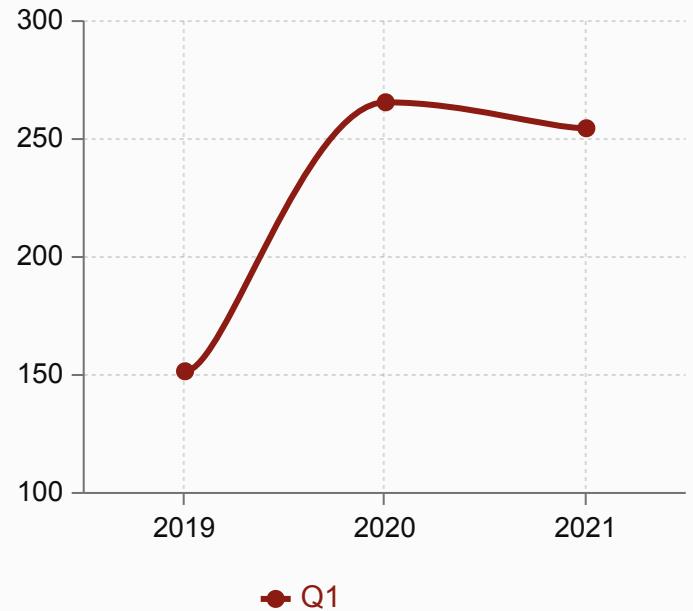


FINDINGS

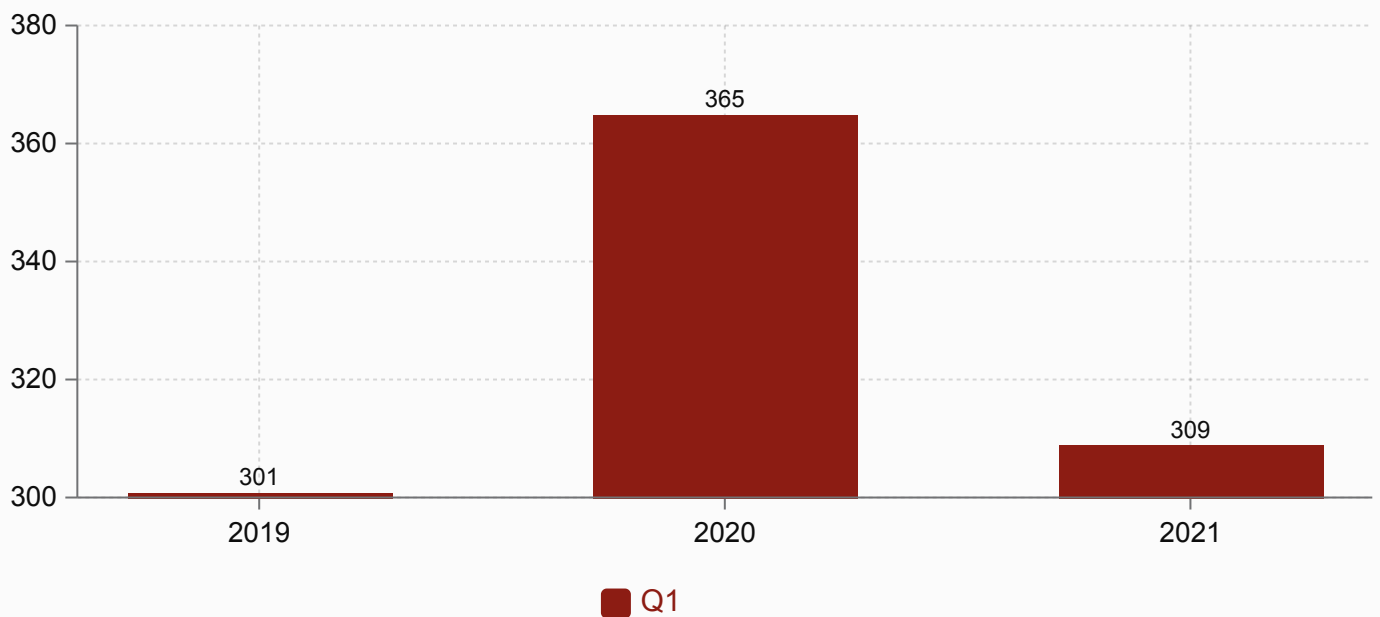
Three Year Comparison of Opened by Quarter and Year



Three Year Comparison of Cases Closed by Quarter and Year



Three Year Comparison of Cases Pending by Quarter and Year

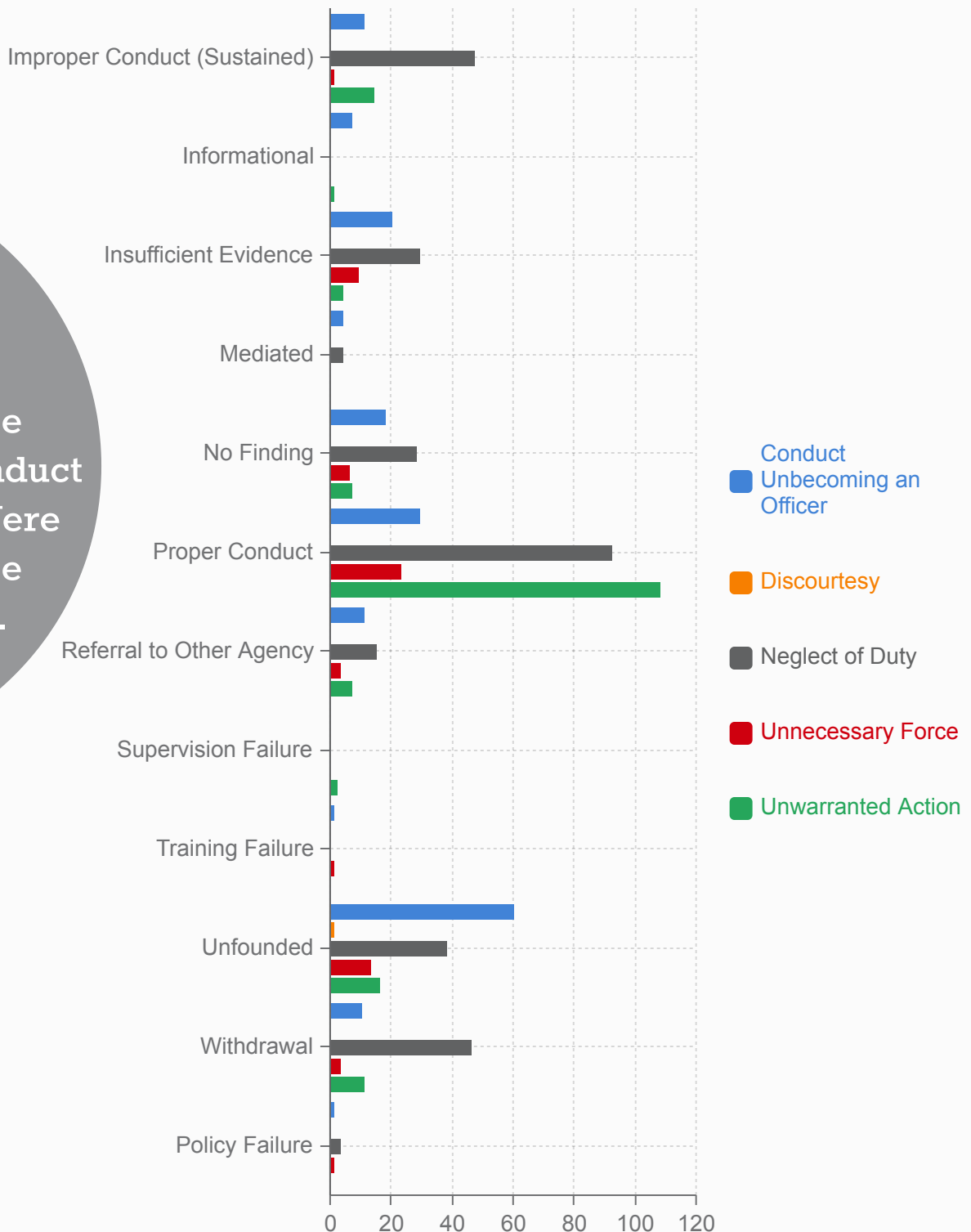


FINDINGS

Findings by Allegation Type

N = 705

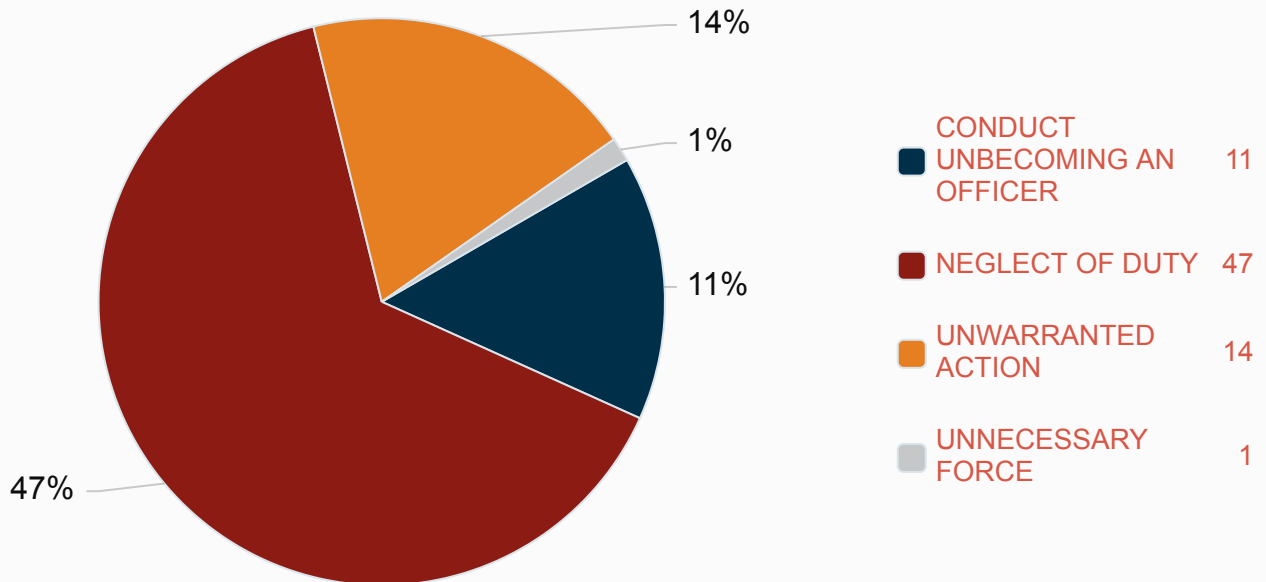
Of 705 Allegations 36%, Were Found To Be Proper Conduct And 18% Were Found To Be Unfounded.



FINDINGS

Findings by Allegation Type

N = 73



Each allegation type has subtypes.

For example, The Neglect of Duty allegation category includes an officer's failure to activate a body-worn camera and also an officer's failure to prepare an accurate incident report.

Neglect of Duty	Conduct Unbecoming an Officer	Unwarranted Action	Use of Force
Failure to activate body-worn camera	Inappropriate comments or behavior	Misused city property for personal use	Used a carotid restraint hold
Failure to follow SFPD policy or law	Racial bias	Issuing a citation without cause	Failure to comply with DGO 5.01
Failure to write an incident report	Sexual slurs	Handcuffing without cause	Unnecessary or excessive force
Failure to provide name and star number upon request	Misrepresenting the truth	Improper search or seizure of a person, property, or vehicle	Intentionally and improperly discharged a firearm, on- or off-duty
	Misused police authority		

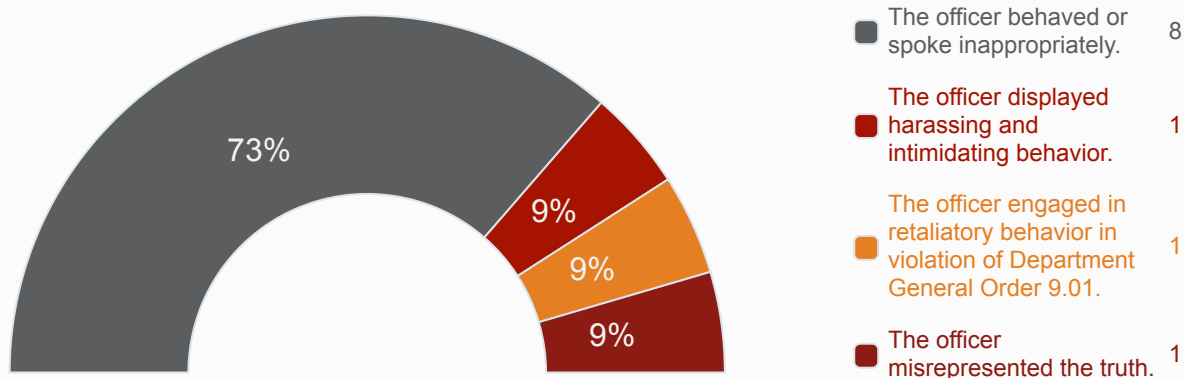
FINDINGS

IMPROPER CONDUCT FINDINGS

BY ALLEGATION TYPE

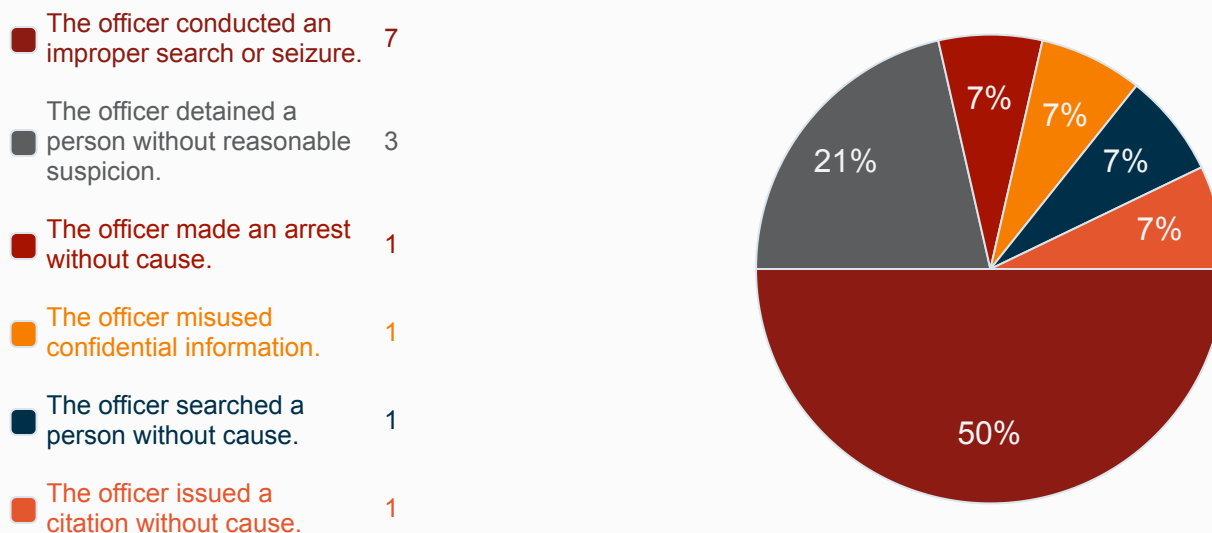
Conduct Unbecoming an Officer - Allegations Summary

N = 11



Unwarranted Action - Allegations Summary

N = 14



Use of Force - Allegations Summary

N = 1

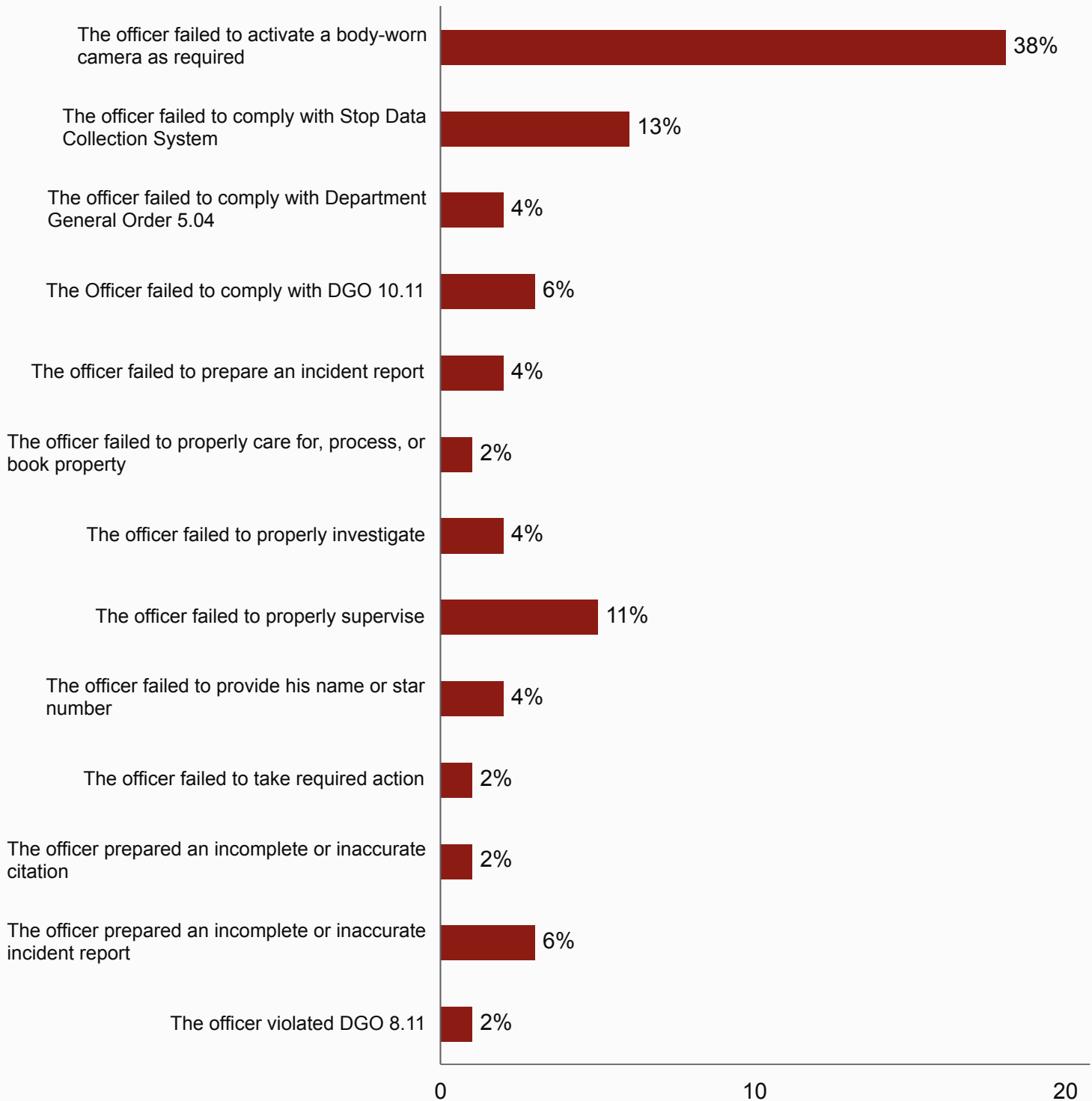


FINDINGS

IMPROPER CONDUCT FINDINGS BY ALLEGATION TYPE

Neglect of Duty - Allegations Summary

N = 47



COMPLAINANT DEMOGRAPHICS

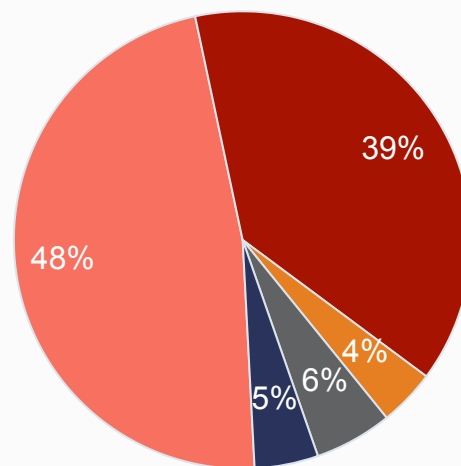
Race/Ethnicity	#	%
Asian	10	5%
Black or African American	36	18%
Hispanic or Latinx	14	7%
White	47	24%
Other	14	7%
Declined to State	79	40%
Total	200	100%

Age	#	%
1-13 (by an adult)	0	0%
14-16	0	0%
17-19	0	0%
20-30	20	10%
31-40	50	25%
41-50	20	10%
51-60	18	9%
61-70	17	9%
71-80	6	3%
Over 80	1	1%
Declined to State	68	34%
Total	200	100%

Complainant	#	%
Complainants	196	98%
Anonymous Complainants	4	2%
Total	200	100%

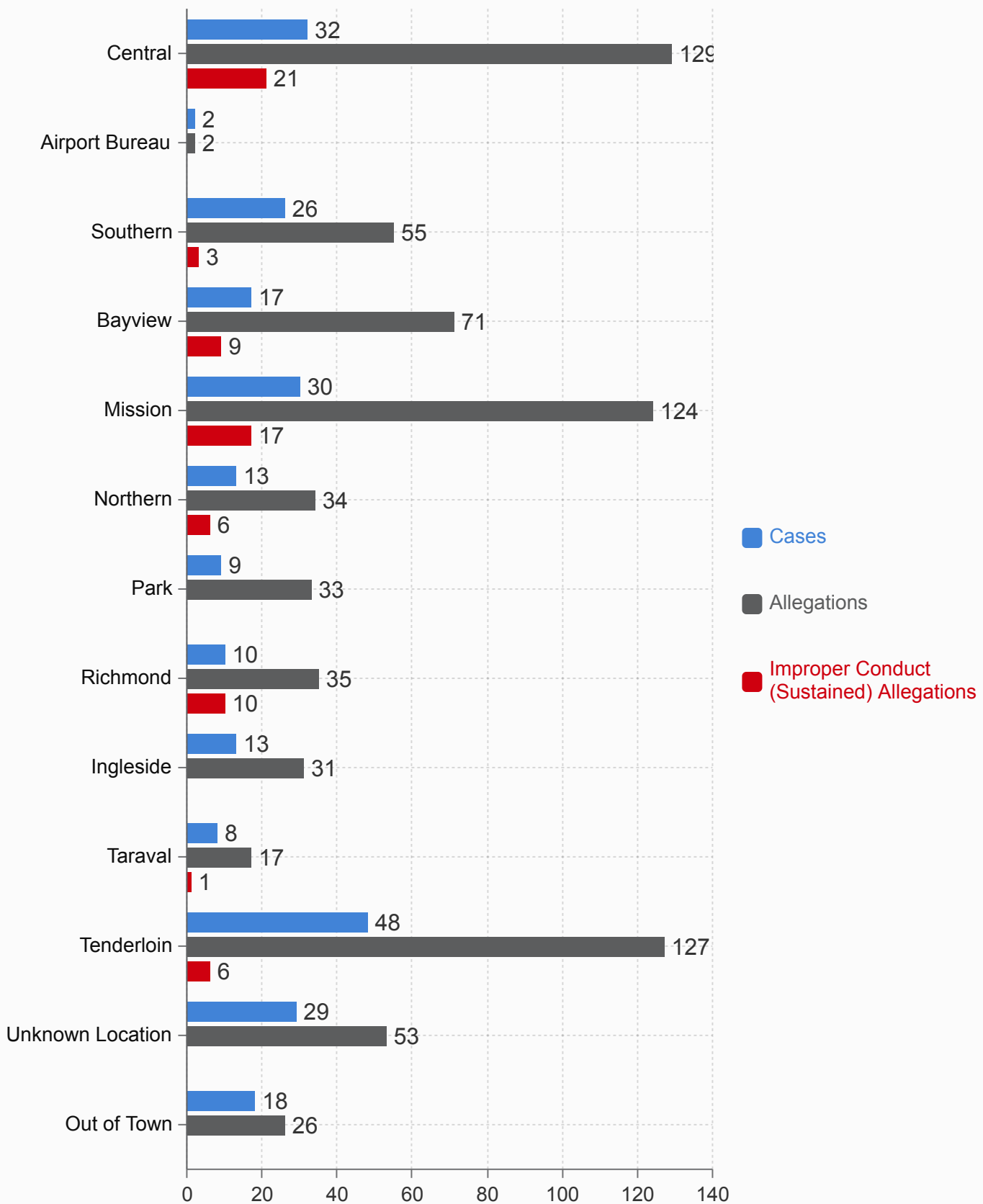
Gender	#	%
Female	54	27%
Male	77	39%
Genderqueer / Gender Non-binary	1	1%
Transgender	2	1%
Declined to State	66	33%
Total	200	100%

How Complaints Were Received



■ Online 95
 ■ Phone 77
 ■ Mail 8
 ■ SFPD 11
 ■ Other 9

FINDINGS



FINDINGS

Case Totals by District



MEDIATIONS

The term equity is often thought to mean the same as equality. Still, these terms represent two distinct concepts in reality—equity concerns itself with fairness related to the specific needs of the individual. Fairness, the balance of power between the parties, and inclusion are the most significant priorities in our mediation program.

Because mediation rests on the principles of neutrality and impartiality, questions often arise about how we achieve equity. Neutrality and impartiality remain central to our process. However, by identifying and addressing the varying requirements of each participant - ethnicity, age, gender identity, language access, and sexual orientation - we ensure all parties begin the mediation process on a level playing field.

The DPA recognizes that individuals may not always enjoy an equal allocation of skills when using technology. Because our mediations are virtual, we designed a pre-mediation session that provides technical assistance and presentation techniques. These specific measures foster an inclusive environment where all participants feel welcomed, supported, and valued.

Mediation is, first and foremost a process, where success depends on certain critical factors, which is why we pay attention to those critical factors - fairness, meeting individual needs, and inclusiveness. When we do so, participants engaged together, find they can communicate more effectively and efficiently.

Communicating, free from distractions or barriers significant to the process. It allows the parties to achieve their desired goal, that of reaching a successful conflict resolution.



Equity Informed
Mediation



Identifying Individual Needs

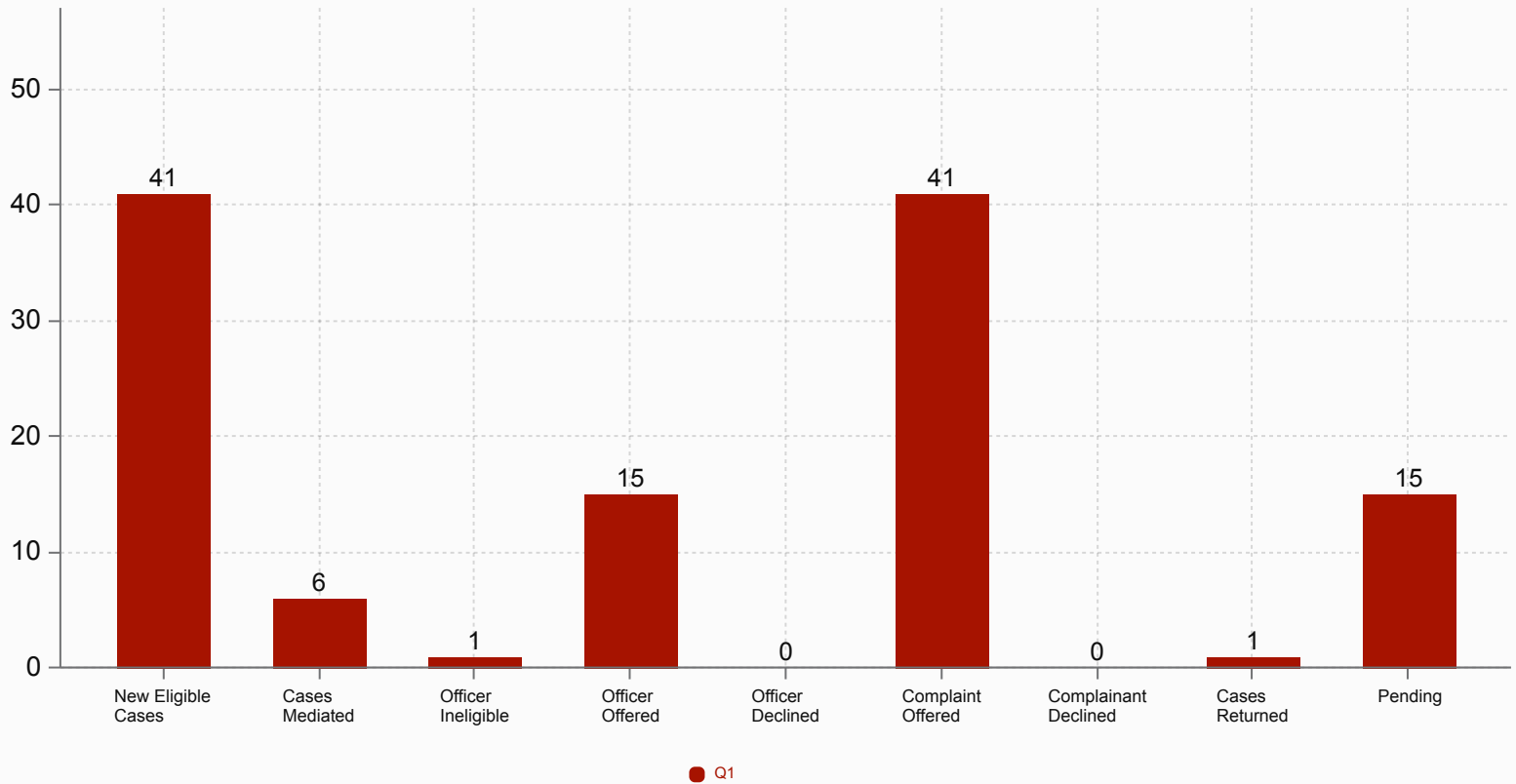


Ensuring Fairness,
Balancing Power



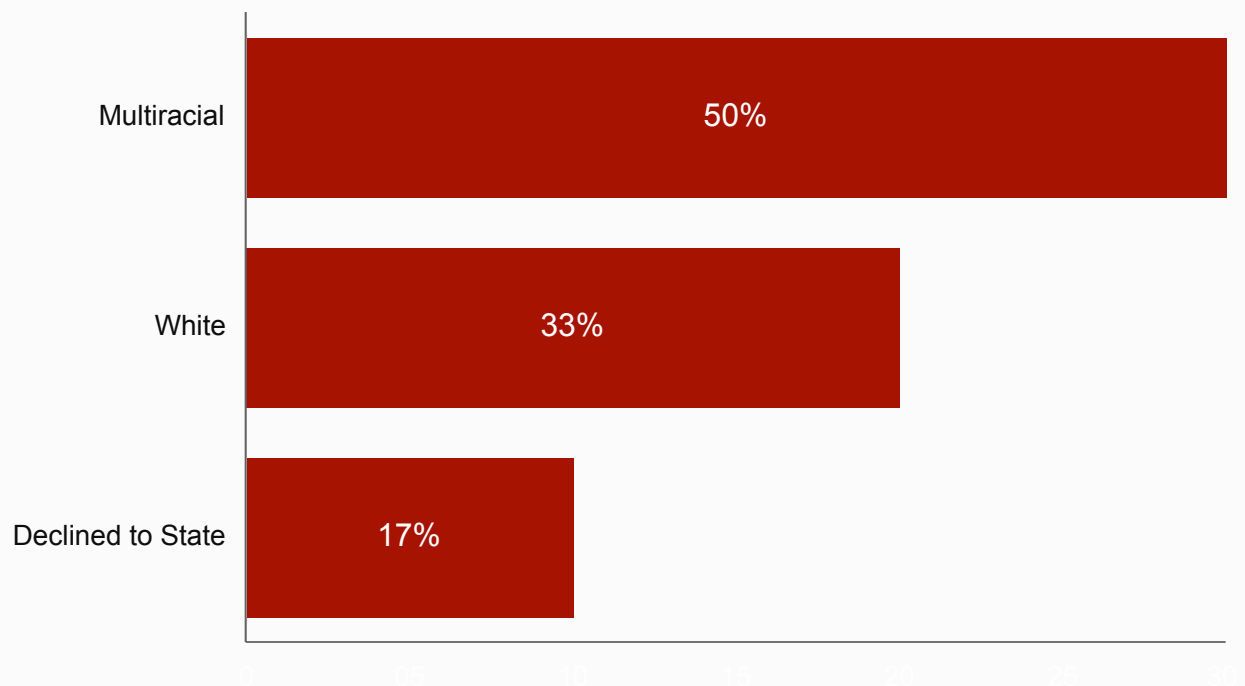
Full Inclusion
In The Mediation
Process

MEDIATION FINDINGS



Mediation Demographics

N = 6



POLICY

In the first quarter, the DPA worked on 14 Department General Orders (DGO). The DPA submitted recommendations on 7 DGOs involving 44 policy recommendations. Among the DGOs, the DPA provided recommendations on DGO 5.16 Obtaining Search Warrants. The DPA offered 18 recommendations on this DGO, which has not been updated since 1997. During monthly meetings, we discussed and moved to concurrence 6 DGOs. Five DGOs were passed to the San Francisco Police Commission (Police Commission) and approved for meet and confer.

In January, the Police Commission approved and referred to meet and confer on DGO 6.09, Domestic Violence, along with the Domestic Violence Manual. On February 10, 2021, the Police Commission approved the revised and updated DGO 5.03 - Conducting Pat Search.

Below is a sample of the recommendations made by the DPA. Additional information was available at

DGO 6.09 Domestic Violence DGO and Manual:

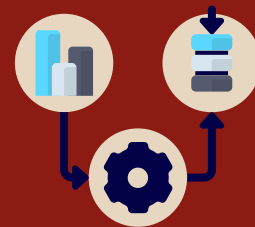
Incorporate best practice policies and procedures on first responder responsibilities, lethality, dominant aggressor, strangulation, and limited English proficiency witness and victims to both the DGO and Manual.

The domestic Violence working group created Domestic Violence Investigatory checklist for patrol officers and investigators. The checklist will assist the officer arriving on the scene of a domestic violence call.

The manual sets forth the investigative steps patrol officers should take to interview the parties, preserve evidence, and document the incident. The manual also addresses communication protocols for limited English proficient, deaf and hard of hearing and transgender, gender variant, and nonbinary.



Reviewed 14
DGO's



44 Policy
Recommendations
On 7 DGO's



Offered
Recommendations For
The San Francisco Police
Department's Bias-Free
Policing Strategic Plan

POLICY

CONTINUED

The DPA was an integral part of the working group that worked on the revisions and proffered final language concerning pat-down searches accepted by all in the working group.

DO 5.03(III)(B) - Conducting Pat Search

Members may conduct a pat search for weapons when:

- 1. The person is lawfully detained for an investigative purpose; and
 - 2. The officer has specific and articulable facts causing them to believe the suspect is armed and dangerous.
- o The validity of a pat search depends on the totality of the circumstances and turns on whether a reasonably prudent officer would be warranted in the belief that the officer's safety, or that of others, was in danger. If conditions (1) and (2) are met, the officer may perform a carefully limited search of the person's outer clothing for weapons, i.e., a pat search, whether or not the officer has probable cause to arrest.
- o The pat search must be limited to that which is necessary for the discovery of guns, knives, clubs, or other hidden instruments which might be used to harm the officer or others nearby. A pat search is not a search for evidence or contraband. Once a member realizes an object is not a weapon or an object that can be used as a weapon, the member may not further manipulate the object; they must move on. Any additional manipulation of the item is outside the scope of a cursory/pat search for weapons and will be considered an illegal search.



Offered Recommendations
For A Department Bulletin
On Updating Provisions Of
DO 5.16 To Incorporate
California Shield Law
Elements



Information-Sharing
Agreement With SFPD
Granted DPA's access to:
PowerDMS (SFPD Intranet)
HRMS (SFPD – HRdatabase)
DPA & SFPD - Discipline
Tracking Sheet

OUTREACH

The DPA's outreach team serves as our agency's point of contact with the community it serves. The program aims to improve the public's understanding of DPA's services, goals, and accomplishments through community engagement.

The DPA virtually celebrated Black History Month and Women's History Month (respectively) during February and March. Our agency honored several San Francisco community leaders for their exceptional advocacy and public service for both events.

To increase the agency's outreach, the DPA scheduled periodic meetings with the Department of Human Resources, the Human Rights Commission, the Office of Transgender Initiatives, and Salesforce. These meetings were used as opportunities to discuss strategies to increase the DPA's community engagement.

The outreach team has also worked diligently to finalize a youth "Know Your Rights" trifold card design. This pocket card includes laws and guidelines youth should know when encountering law enforcement.

Finally, the DPA completed over sixty hours of community outreach in panels, community meetings, and presentations during the first quarter. DPA staff also attended local San Francisco Police Department (SFPD) district station meetings and presented our agency's services.



Hosted Virtual
Celebrations For Black
History And Women's
History Month



Over 61 Hours Of
Community Outreach



The "Know Your Rights"
Trifold Card Is Now In The
Production Stage



Collaborated
With Several
Community
Organizations

SENATE BILL

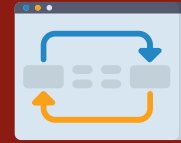
1421

Senate Bill 1421 (SB 1421) is a 2019 law that made specific categories of previously confidential investigation records available to the public. The DPA received requests for all records within minutes of the law going into effect, triggering a large-scale effort to review decades of archived files to identify records for disclosure. To qualify for disclosure, a case must involve a great-bodily injury, an officer-involved shooting, a proven allegation of sexual assault, or a proven allegation that an officer was dishonest in reporting or investigating a matter. Before a case file can be released publicly, the records must be redacted to comply with state and federal privacy laws. All disclosed cases are published to a public web portal at sfdpa.nextrequest.com.

In the first quarter, the DPA released two great-bodily injury cases (250 pages), one officer-involved shooting investigation (980 pages) and one officer dishonesty case (2,090 pages). Additionally, 132 cases were reviewed and determined to be exempt from disclosure.

By the end of the quarter, the DPA released a total of 27,070 pages of records for 38 cases, including 6,485 pages of great-bodily injury records (28 cases), 18,495 pages of officer-involved shooting records (9 cases), and 2,090 pages of officer dishonesty records (1 case).

Publishing the DPA's investigative records is a historic step on the path to increasing transparency for officer misconduct investigations.



SB 1421 Portal
Accepts SB1421
And Public Record
Requests



Pages Disclosed
In Q1 - 3,320



Total Pages Disclosed
As Of Q1 - 27,070



Total Cases Disclosed
As Of Q1 - 38

AUDITS

In the first quarter, the DPA initiated an audit of the SFPD compliance with Department General Order 8.10 Guidelines for First Amendment Activities (DGO 8.10). SFPD must follow these guidelines in every criminal investigation that involves the First Amendment activities of a person, group, or organization.

DGO 8.10 requires that the DPA conduct an annual audit of SFPD's files, records, and documents and prepare a report to the Police Commission about the department's compliance with the policy.

The audit is currently in the survey phase, designed to obtain information for use in planning and performing the detailed review work to follow. Auditors use many different approaches during the survey phase, including interviews with SFPD personnel and site inspections to get information and identify areas warranting more detailed attention.

Also, in the first quarter, the DPA will work with the Office of the Controller to follow up with SFPD on the status of recommendations made in 2020's Use of Force Data audit. The benefit from audit work is not only in the recommendations made but in their effective implementation. Effective follow-up is essential to get the full benefits of audit work.



Guidelines for First
Amendment Activities -
Audit Survey Phase
Goals



Gain Knowledge
Quickly



Review Prior
Studies and
Audit Reports



Pinpoint Areas
Warranting
Further Review

OPERATIONS & TECHNOLOGY

In the first quarter of 2021, the DPA continues to update and maintain all major technology systems to comply with the City's cybersecurity measures. This included updating the department's devices to the latest operating system.

The DPA continues to make progress on the website project by working with Digital Services and the Department of Technology to identify the contents of the new website and be trained on the content management system to respond with speed and flexibility to the DPA's increasing demand for website services.

To improve the efficiency and effectiveness of the DPA's operations and cooperation with other City departments, the DPA continually identifies the workflows and data reporting/sharing functions in our case management system to be automated. In addition, the DPA has installed and completed training on various software tools to increase the security measures of the DPA's operations and working environment.

The DPA is working with DataSF to identify data and reporting tools and services for data transformations, automation services, and sensitive and protected data handling.



Systems In Compliance With
Recommended Cybersecurity
Standards



Identification Of Operational
and Workflow Efficiency and
Automation



Partnership With Digital
Services And DT On Modern
Technology Projects



Ongoing Training For
Administrators and Staff On
Newly Implemented
Technologies/Procedures

BUDGET

During the first quarter of the calendar year, in line with the City's annual budget cycle, the DPA closely monitored its actual expenditures against budget. This analysis informs budget planning for the next fiscal year and was especially critical during uncertain times. The DPA followed the Mayor's directive to prioritize core services and recovery and equity programs.

The DPA prepared the 6-Month Report, which summarizes and compares actual spending with the remaining budget to anticipate surplus and deficits through the end of the fiscal year.

On February 22, the DPA submitted budget documentation for fiscal years 2021-22 and 2022-23 as part of the City's two-year budget cycle. The DPA met the Mayor's requested sustainability and efficiency reductions of 7.5% for both fiscal years.

In preparation for the 9-Month Report, which is an update to the 6-month report, the DPA conducted another comprehensive analysis of its actual spending compared with the remaining budget funds. In addition, the DPA began working closely with the Mayor's Budget Office and Controller's Budget & Analysis Division to address the Department's budget priorities and long-term financial planning.



Completed Six-Month Report



Submitted Budget Proposal
For Fiscal Years 2021-22 &
2022-23



Achieved Mayor's
Sustainability & Efficiency
Reductions



Ongoing Monitoring Of Actual
Expenditures

SPRING INTERNS

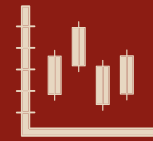
Under the leadership of Executive Director Paul Henderson, the DPA offers internship opportunities year-round. The DPA offers the Law and Justice Reform program for college students, which is modeled after fellowships and internships through San Francisco City Hall and the District Attorney's Office. Our agency also has clerk opportunities for law students.

The internship programs are intended to give interns public service exposure to police policies and practice issues, including civil liberties, criminal law, criminal procedure, constitutional law, public safety, employment, and administrative law. Students can also attend administrative and appellate arguments, administrative hearings and proceedings, and case conferences.

The DPA is currently hosting one intern for spring 2021. Our internship is remote, with all meetings being held via Microsoft Teams. The intern has worked on the following projects: researching various policies for biased-policing investigation frameworks, exploring audit tactics and policy suggestions, attending interviews with DPA's executive director, researching effective graphic designs and branding strategies, and helping plan DPA's Annual Black History Month and Women's History Month Virtual Celebrations.



Hosted Internship
Virtually
For Spring 2021



Learned About
Developing Audit
Tactics And Policy
Suggestion Strategies



Learned About Live
Interviews With The
DPA's Executive
Director



Researched Effective
Graphic Designs To
Increase Brand Awareness
And Engagement

HOW TO MAKE A COMPLAINT



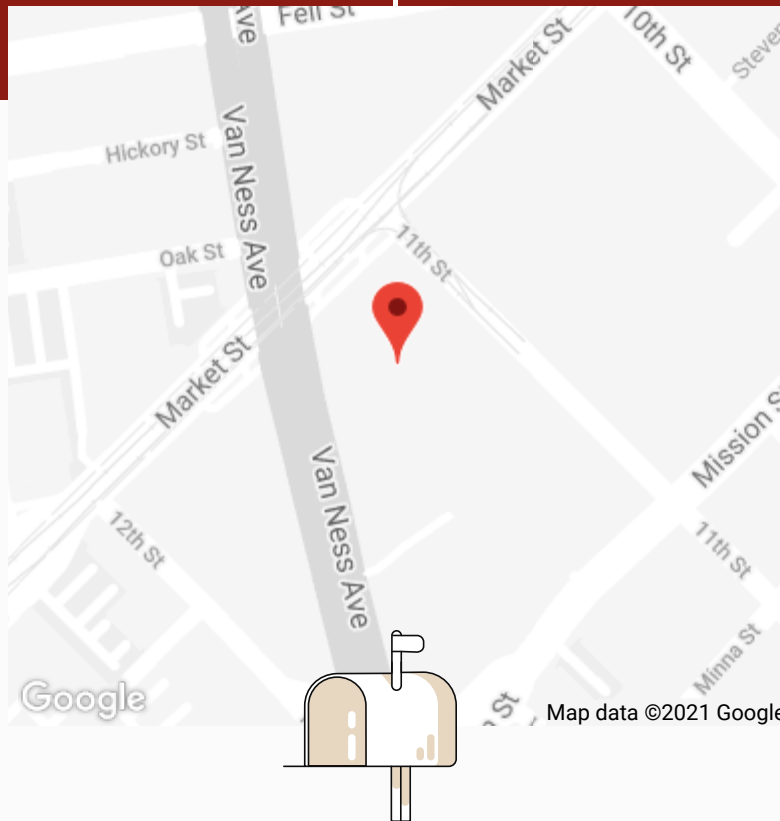
Online

<https://sfgov.org/dpa>



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